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Supreme Court, U.S.
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No._____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1986

REINER SCHWARZ

Petitioner,

vs.

CITY OF WARWICK, ET ALS.

Respondents.

****

PETITION FOR A WRIT OF CERTIORARI
TO THE U.S. COURT OF APPEALS
FOR THE FIRST CIRCUIT

****

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728

QUESTIONS PRESENTED

1. Are the Fourth and Fourteenth Amendments violated by warrantless searches and seizures when owner is working on his own property?

2. Are the Fourth and Fourteenth Amendments violated by warrantless searches when owner is locked out of owner's property by police?

3. When the Appeals Court has made a different judgment on a similar case doesn't this constitute injustice?

* 4. Aren't all Constitutional and Civil Rights violated when police ask a person to talk to a designated other person and then is arrested by the same police for talking to this designated person?

5. When this entrapped person (who was never read his rights and never committed a crime) went for arraignment, he was shackled and put in the crazy house, locked in with murderers and rapists, and drugged,

and all this happened to him without a trial or a hearing, accused of "intimidating a witness",and without allowing him bail, isn't this an atrocity against the entire privileges and immunities that the Constitution of these United States afford its citizens?

6. When city trucks,graders,snow plows, and chemical sprayers invade your private property,damage your fences and gate,and kill your flowers and trees,isn't this considered a violation of your Constitutionally protected area, your home and curtilage?

7. Since helicopters and small planes are being used to spray defoliants,which are harmful and cancer-causing,do they constitute an invasion of privacy, and shouldn't these aircrafts have numbers of identification on them?

*Footnote:Since Peterson has been collaborating with police and a gov. agency,does this mean a cause of action for civil conspiracy under 42 USCS 1983?

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Re: U.S. Supreme Ct. cases;80-1122,82-1991.

No._____

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To the Honorable Justices of the Supreme Court of the United States;

Your Petitioner, Reiner Schwarz, respectfully prays for a Writ of Certiorari, of the Judgment of the U.S. Court of Appeals for the First Circuit (Civil Action 86-1065) entered July 28, 1986, and of the U.S. District Court for the District of Rhode Island, entered October 22,1985.

OPINIONS

Opinions of lower courts are reproduced in the Appendix.

JURISDICTION

This court's jurisdiction is invoked under 28 USC Sec.1254,and 42 USC Sec.1983. and 1985. Petition arising from 3 arrests without warrants,using fabricated crime reports from hirelings of the City of Warwick, Police,Crisis Center,Legal Dept. and an Agent Provocateur installed as a "neighbor" living on a State/City of Warwick check and a Section 8 lease, in a conspiracy to hinder reopening court case involving Respondents, in which they falsified government documents for a sewer pump to service planned Section 8 condos.

Petitioner's step-son arrested and put in mental hospital for 5½ days, without a hearing or trial. He was drugged and his life endangered, and has been ill ever since.

Petitioner's guaranteed Constitutional and Civil Rights have been violated by illegal search and seizure,false arrest, imprisonment,deprivation of liberty,harassment,surveillance,abuse of power,malicious prosecution,malicious use and abuse of process,and conspiracy,with the ulterior motives of depriving Petitioner of remunerative work,to stigmatize his reputation,and force him from his waterfront home,and deny him due process of the law.

This court has jurisdiction because cases similar have been decided in conflict with this Court of Appeals decision,and has departed from the usual proceedings,whereas, Petitioner has never been allowed any hearing,anywhere in any lower court,as to call for the exercise of this court's power of supervision,and includes a question that the U.S. Supreme Court has not given a decisive and definitive answer. This petition is filed within 90 days of July 28,1986.

CONSTITUTIONAL PROVISIONS AT ISSUE

ARTICLE III Sec.2.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution and the laws of the U.S.

AMENDMENT I.

Congress shall make no law abridging the right to petition the government for a redress of grievances.

AMENDMENT IV.

The right of the people to be secure in their persons,houses,papers,and effects, against unreasonable searches and seizures, shall not be violated,and no Warrants shall be issued,but upon probable cause,supported by Oath or affirmation,and particularly describing the place to searched,and the persons or things to be seized.

AMENDMENT V.

No person shall be held to answer for a capital,or otherwise infamous crime,unless on a presentment or indictment of a Grand Jury; nor shall any person be subject for

the same offense to be twice put in jeopardy of life and limb,nor be deprived of life, liberty,or property,without due process of law.

AMENDMENT VI.

In all criminal prosecutions,the accused shall enjoy the right to a speedy and public trial,...and to be informed of the nature and cause of the accusation;to be confronted with the witnesses against him; and to have compulsory process for obtaining witnesses in his favor.

AMENDMENT VII.

In suits at common law,where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.

AMENDMENT IX.

The enumeration in the Constitution,of certain rights,shall not be construed to deny or disparage others retained by the people.

AMENDMENT XIV.

All persons born or naturalized in the

United States,and subject to the jurisdiction thereof,are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life,liberty,or property,without due process of law,nor deny any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THIS CASE

On February 29,1984,Petitioner was arrested on my property at 388 Sea View Dr. without a warrant,and locked in jail.

On September 2,1984 Petitioner was arrested at gunpoint and taken from my home, where I was eating my breakfast. I was pushed and shoved with a gun in my back. I wasn't told why I was arrested or read my rights. I realized my tormentors could kill me. I was quiet and,yet,the Detective Ray

Pendergast prodded and jabbed me all the way to the police car,and roughly shoved me in. Petitioner's wife asked why I was being arrested,and was told "It was none of her business". Pendergast waved 2 papers that looked blank,and said they were signed by a judge. We found out there was no warrant for my arrest signed by a judge or otherwise. Detective Pendergast lied.

At the Warwick Police Station I was fingerprinted and photographed and forced to take off my clothes. I was put in a filthy,cold cell,with no mattress,blankets,or pillow,only an empty steel bunk. I was left there virtually naked for nearly 8 hours and caught a severe cold.

I had been arrested twice without a warrant and put in jail. There had been no crime committed by Petitioner,either time.

On Sept. 6,1984 at Kent County Courthouse,Judge Victor Beretta threatened to put me in the IMH, the Mental Hospital. I

was in court for arraignment,not sentencing. I was on time,neatly dressed and polite. I pleaded,"NOT GUILTY". Judge Beretta said, "Don't you want to plead "Nolo"?

Petitioner answered,"I am not guilty. I do not even know these people,Your Honor."

Judge Beretta said,"I think I'll give him a few days in the IMH to cool his heels!" and he looked over at Capt.Blanchard, who nodded "No". Beretta called for bail and surety then, $2,000 and $200,and said,"Mr. Schwarz,if you don't have that money with you,you will be sent to the IMH until you get it!" I was already under $3,000 personal recognizance from the first arrest. I've lived in the same house 18 years,same wife,family,and Union Hall,and own my property,high-praised by my employers and Union and neighbors,and have no criminal record,and committed no crime.

Judge Beretta's remarks went totally against the United States Constitution, which he took an oath to uphold.

Later, that same morning my step-son, Glen Douglas Bowman, was put in the IMH by this Judge Victor Beretta, when he arrived for his arraignment, still the same morning but slightly late. There was no mention of bail or surety. Glen Bowman attempted to tell what happened. He pleaded "Not Guilty" and was given the same treatment that was attempted on your Petitioner. He was locked in with murderers and rapists, he was threatened and drugged against his will. When his mother called up, he told her how they were trying to drug him, and pushed guys in his cell to beat him up. Next day when she called up her son, his voice was distant and thick monotones. He had been drugged. This is cruel and unusual punishment, and all without a trial or hearing.

No mention of bail until 5½ days had passed and his mother had called everyone she could think of. The man in charge of the IMH asked her name, Catherine Schwarz,

when she called about when her son would be out? He answered,"Reiner Schwarz would be out on Sept.17th." Petitioner's wife said,"I'm calling about Glen Bowman,my son. My husband is in work." He went back to the schedule,"Both Glen Bowman and Reiner Schwarz will stay locked up here until the 17th of September." He said it with such conviction,that Petitioner's wife called to see if I was in work. My wife knew I was being followed and thought the police made another sneak attack on me, while I was enroute to work.

All 3 arrests came from the malicious actions of Karen Peterson,the Agent Provocateur.She made up,and signed the first false arrest,in collusion with Warwick Policeman Thomas J. Whalley,who passed between our property and the Peterson Apartment 3 times in the presence of Petitioner's wife,to get their stories right.Even then,Whalley wrote"pulled by the hair,"and

mentioned this several times as he wrote up a complaint.

Peterson,meanwhile, had written up her false crime report that"she had been pulled down the stairs by her leg".

Glen Bowman told Whalley several times that he wasn't making a complaint and he didn't know what Whalley was talking about. He had sold his car that afternoon and asked Reiner Schwarz to witness the sale, which Reiner did witness the sale. When Petitioner's wife protested the questioning,as she was the only one there with long hair and was standing near the porch steps,she naturally thought Whalley was trying to involve her in something.

Whalley told her to keep quiet and get out.She told him this was her property and he had no right to order her out of it. Whalley got up and stood over her and patted the place where his gun was and demanded that she leave. He then locked her out.

Before Petitioner's wife was locked out, she had been trying to remove books and papers from a heater which was on. It was a dangerous situation. Whalley stopped her from completing the job, he said he would do it, but he lied again.

Petitioner's wife stayed on the porch for over an hour and knocked on the both doors and windows. Whalley continued both writing his fictitious crime report and a rummaging search. The things were all inside the door and piled up out of the car Glen had just sold. Whalley said, "Reiner Schwarz made this mess?" I notice it is still part of the malicious and false charges against me, even though Petitioner's wife confronted Whalley when he finally left, and told him all those books and papers were taken out of Glen's car when he sold it, just a few minutes before the police arrived. No one had time to put them away, they didn't belong to anyone but Glen, and he put them there.

Glen Bowman went with Petitioner,and Catherine Schwarz,to Kent County Court, over 7 times,to witness what took place on the afternoon of Feb.29,1984.

It was March 22,1984 before Petitioner received a copy of the charges of this first arrest. No one wanted to take my witnesses' statements,which were sworn to and notarized. Petitioner put in for "MOTION TO DISMISS" and a "PROBABLE CAUSE HEARING" where Petitioner's witnesses could be heard and the evidence examined,i.e. my utility knife which has a 3" blade.I was using it to cut a piece of fiberglas when I was interrupted by my step-son to witness his car sale. It was in my carpenter pants and forgotten when all this turmoil started until I was arrested and searched. The police wrote down that it was a hunting knife and 3" plus a small fraction over. R.I. law is 3" blade is legal. I"ve been a Union carpenter for over 30 years. Every carpenter

has one. I have had to buy a new one to work at my trade. There is no mention of any knife in the numerous pages of crime reports written up by police and their collaboration with our political Sec.8 foes.

The Probable Cause Hearing was turned into a hearing to see if I could have a Probable Cause Hearing, and again my witnesses were denied a chance to state what they saw and what happened. R.I.G.L. states, accused shall have a Probable Cause Hearing, not maybe.

After second arrest hired John Canham, to get a restraining order against these trouble-makers, trespassers, and destroyers of my property, and to rid my life of this fraudulent charge of Feb.29,1984. We told him that in the latest arrest of Sept.2, 1984, both Police Cheif John Coutcher, and Capt. of Detectives Roger Burlingame said "There were no charges against Reiner Schwarz." Yet, the next day in the mail was a summons to appear in court Sept.5 for a-

rraignment. John Canham said he would get the charges dropped, but he didn't. In fact, it was at this arraignment that Judge Beretta attempted to put Petitioner in the mental hospital. Mr. Canham had asked for $300 to represent me and $200 more for Glen to go into the district court. Then he said "He'd wash his hands of Glen," but he never returned the $200 to represent him.

We asked John Canham for a copy of the charges, or at least be able to read them. Canham patted the breifcase he had and said we could, but never let us see them. We had been to the police station and Courthouse about 60 times to try to find out what was going on. We were either referred to the police or our lawyer. Canham spent the 2 short meetings we had, trying to get my wife to say she wasn't home with me, or if she was, she could have been "toe-dancing in the attic". He got very angry that he couldn't changed my wife's mind, and he wouldn't allow

us to see the charges,but"would send us a copy". We wanted to go the hearing,as during the first one we were left in the coffee shop. That lawyer came out asking us what I was doing at 388 Sea View Dr? We had told him it was our property and where my step-son was selling his car. We even wrote up the entire statement and gave it to the lawyer only he was going to the hospital everyday to see his wife and an ill father and had no time to acquaint himself with the case. Leaving us in the coffee shop,left out any defense against the lies written up in those false crime reports.

Judge Victor Beretta was at the first hearing and nearly a year later,Beretta,again. We could hear Canham and Beretta laughing,while we sat in an empty courtroom. Petitioner was losing a double day's work and was summoned to court but never allowed to say a word in my own defense,or allowed my witnesses. Canham had promised us

we would be allowed to tell our side of the story, not sit in the coffee shop. But it was just another trick. Canham laughed at us and said,"You didn't sit in the coffee shop did you?"

He quickly made an exit. We followed. We told him we didn't want such a prejudicial judge, who acted as his own jury and executioner. Canham said he could have done it if knew ahead of time. So we told him right then that we were guaranteed an impartial judge, by the U.S. Constitution.He told us we were stuck with Beretta.

Enroute home Petitoner's wife was numb with anger,"You don't have enough people conspiring against you. Now you pay someone to do it. Canham is deliberately keeping us from finding out what you are charged with,if anything. Whatever it is we know you didn't do it,but it's like fighting in a paper bag. They have no right to do this to you."

After going over to the police station about forty times, Petitioner's wife went down-town to the F.B.I. and to the Justice Dept. and to Senator Chaffee's office. There we got some action. Mr. Rooney called Canham and told him he could be disbarred for not letting us know what the charges were.

Petitioner's wife got home and the phone was ringing. It was Canham and he said he had just heard from Senator Chaffee's office,and he told him he had sent us a copy of the charges,they were in the mail. This was the end of November,1984 and for 3 months left to worry over what new malice had been put upon me, since Sept. 2.

Found out 5 days later that this crime report was written about my step-son,all false rumor and report.Written up by employee's of the City of Warwick, Police and Crisis Center and in the upstairs apt. of Karen Peterson,agent provocateur and

privileged informer. This Peterson is the same one that had me arrested the first time. It was signed by Bertha Doyle but she is barely literate. She couldn't and did-not write up any part of that report. The report mentions that the Schwarz's did nothing illegal to merit a second arrest,so the fictitious assault of Feb.29,1984 was put into this second complaint,which was still a false charge.

Petitioner was arrested twice for the same charge.

Petitioner went to trial on December 14,1984, before Judge Anthony Dennis,on the second arrest. Petitioner had his 2 witnesses there and met with Mr. Canham in the hall. Glen Bowman brought with him a handwritten statement which he asked Canham to notarize. He was told it wasn't needed as he was there in person to testify. But Canham did not call my witnesses. He put me on the stand and the questions

all related to the false charges of the first arrest.Prosecutor from Warwick City Hall,Legal Dept. repeatedly asked me if I assaulted Karen Peterson. I repeatedly said,"No,I did not." David Prior actually said,"You did assault Peterson,didn't you?" Prior,also,told police,that Petitioner subpoenaed,to say they "couldn't remember anything" and he winked at one, Officer Edward Walch,right in front of Petitioner and his wife.

Peterson was not there to question or cross-examine,the instigator,and author of all these charges. Only 2 of the police that Petitioner subpoened ever showed up but none were asked,or allowed,to testify.

Canham knew the City of Warwick had a false witness sitting right across from us but did nothing about it. Canham,also, with-held this knowledge of a false witness from Petitoner.

Bertha Doyle was put on the stand and

Canham asked her 3 times, "Didn't you see Reiner Schwarz put his foot in your yard?"

Bertha Doyle said, "NO", loud and clear twice,and the third time said, "I have never,ever seen Reiner Schwarz in my yard at all,anytime."

Canham was obvious leading the witness to say something that wasn't even in the crime report,and never happened. The c.r. states that Petitioner was climbing his fence for 3 pages,(it is a 2 rail corral fence and can be through in a second) no climbing is necessary,but Petitioner does not even walk in his own yard,on that side of our house,and has never spoken to these people,and never knew their names until after he was arrested.

The prosecution brought attacks of being German,liking beer,being a Jew and a Nazi, (very difficult being both and 7 yrs. old at the time). The c.r. states Reiner and Catherine Schwarz had done nothing

illegal. Yet, here was Petitioner on trial for something he didn't do and was arrested twice for.

Half the other side of the courtroom was filled with employee's of the politicians at Warwick City Hall, who we had been fighting since 1978 for bringing sewage to clean "SA" highest quality water in front of our Public Park and Beachfront, in clear violation of the Federal Water Pollution Control Act, 1972, which states that no sewage or its appurtenances can be brought to or sited on clean "SA" water as of July 1, 1973. So the Warwick politicians falsified government documents to get a fraudulent permit to build on clean water by saying it was "SB" polluted water, closed to fishing, and used Clean Water Act Funds to destroy our last, and only, clean water cove. These were the criminals that have been harassing Petitioner and his family and had set up these false charges against me.

Judge Anthony Dennis sent them all away

stating that they never saw the Petitioner do anything wrong so,all else would be hearsay, and that they had arrested the wrong person,especially after Bertha Doyle admitted she pointed a gun at him and threatened him. Petitioner was proven Not Guilty.

We went home to find 165 ft. of our fencing down. Both Peterson and Doyle in the yard.Doyle at the fence. Peterson wrote a c.r. stating Doyle and her sister knocked down Mrs. Schwarz's fence and threatened her life. I was subpoenaed twice for this incident and lost more time and money from work,and the destruction of my property. After trips to the policestation and court where nothing was done,as Respondents did not show up, Petitioner's wife went over alone so I could go to work,and she was the one who saw Doyle wrecking the fence on 2 days. The legal Dept. of Warwick City Hall sent William Calise to prosecute the

case. Instead, Wm. Calise tried to prosecute Petitioner's wife, by asking questions about the false charges brought by City Hall against Petitioner. Catherine Schwarz protested to the Judge Vincent Ragosta that she was now being harassed by 2 lawyers, on top of having 165 ft. of fence damaged and hundreds of flowers, bushes and trees killed, or damaged, by the Defendants and no one paying for any of the costs but Petitioner.

Catherine Schwarz was asked for pictures of the damaged fences, and then of pictures before the destruction of fences. The both lawyers went into a rage when the pictures clearly showed the fence up straight and neatly painted white, and then, on the ground, all on the same roll of film and all dated. It proved the case beyond a shadow of a doubt. They were taken because they already had knocked down 80 ft. and we had replaced them and put preservative and paint on them, paying for this damage our-

selves. As soon as it was up, Peterson and Doyle said they were going to knock it all down. Previously it was knocked down 1 or 2 sections at a time, I called the police and Officer Bottle saw Peterson raking all the leaves from 2 lots over to my fence. When the leaves were piled under our fence Petitioner's wife took pictures of it. The next week the fence was down. She asked the Judge if he wanted to see a photo of Bertha Doyle at our fence with a rose bush she pulled out roots and all, from under our fence and threatening to poison all the rest of our flowers and shrubs, which they have done, also.

The Judge said, "No", and "Is that all?"

Petitioner's wife told him there was a witness to the entire damage of the fence and she had written out a witness statement to the police. Judge Ragosta asked William Calise, "Is this true?" Calise, lied and said, "we can't find her. She isn't home."

Karen Peterson was home and in and out of her car all morning.She lives next door at 368 and we saw she was still there when Petitioner took his wife over to the court, enroute to work. Peterson's witness c.r. was signed by Warwick Policeman Masciarelli and Detectives Foreman and Butterworth,and main evidence in arresting Doyle and Humes.

Wm. Calise did not ask any questions of either Doyle or Humes though the job the taxpayers pay him for is prosecutor.He threw the case,giving the green light for more harassment and damage to Petitioner.

Petitioner went to police dept. with his wife and was told by a police officer and 4 detectives,"that his troubles would be over when a new Mayor comes in." They let us know where this trouble was coming from,the Mayor's Office at City Hall. We knew it was coming from some Agency because we overheard Peterson saying,she couldn't get in our house because Mrs.Schwarz did not leave her home,anymore, and didn't go

out much and when she did, either her husband or son were there".

Officer Eastman said, "You have been here over a year, and they were out last night to a tax meeting. A dk. green stationwagon was parked out front and a man was looking up to the bedroom window. On investigation saw the screen was up and that's why I'm here."

The next week when a car, plate #JEFF83 was seen with a dark man and blond girl pouring caustic liquid into my flowers and around the base of trees, Officer Linda Eastman and Officer Dennis Morley responded. My step-son told them of hearing Karen Peterson ask Bob Dromgoole to "fireball" both houses belonging to Petitioner and his wife. Eastman said, "That is only talk. Why don't you talk to these people before it escalates into something worst?" This was to my wife, who answered, "She was told not to talk to anyone because it was in court."

Officer Eastman then asked my step-son Glen Bowman if he was involved in court, and he said, he wasn't. So she asked him to be the peacemaker. He thought it was a good idea. His mother thought it was a bad idea and told him not to get involved as she hadn't talked to them since July, 1983, and knew Peterson was a paid agitator. Her relatives had told us this the day Karen Peterson moved in so we were forewarned. Peterson had proven it when she tried to involve Petitioner's wife in a police brutality case that she had not witnessed against Bob Dromgoole, and later a child molesting case against a Mr. DeCristofaro who was only sitting under an oak tree to catch his breath. Both cases would have caused my wife to bear false witness, so she refused to talk to them since then.

Glen went into the back yard and talked to Bob Dromgoole. He said he would never fireball our house and he knew Karen but knew us since he was a baby. His pal, Lou,

said Petitioner's wife should go inside and lock the doors and windows.They would make sure no one fireballed our house.

Glen felt so successful there,he went a little passed our back door and called to Bertha Doyle. She came over to the fence and Glen asked her,"Why all the trouble with my mother?" She was told by Peterson that Petitioner's wife had told authorities about her old car and run-offs from her washing machine,but the run-offs were coming from the washing machine in Peterson's apt.,Doyle answered. Glen told her we have an old car,too, and we knew it was Peterson who was polluting the cove,as part of her agitation campaign, and not her machine.

This conversation was quiet and only 3 sentences and a few minutes,and they both returned indoors. Petitioner's wife witnessed both conversations,and it was peaceful. Peace and quiet until Peterson came back from a week's vacation. Then the noise and trouble started,with threats and swear-

ing from Peterson,and visits every day from police,detectives,and people carrying clipboards from cars with Walsh/Flaherty bumper stickers on them,making loud talk and gestures pointed at our home and property.

Joe Walsh,was our Mayor,and Frank Flaherty,our Councilman,in the ward the pump was being illegally sited on clean water. He was moved into the ward,and at the very edge,just to get this sewer pump sited to service the condos this group of Section 8 profiteers wanted.They are both part of a clique using the democratic party and taxpayer's money to make themselves millionaires,by using the cheapest material and charging exorbitant prices, i.e. ASBESTOS SEWER and WATER PIPES,which an honest,intelligent person would not buy at any cost but this group of Sec.8 pols have laced all the ground and ground water with ASBESTOS from Smithfield to Point Judith.

They hit a snag here when the residents protested the destruction of our last clean

water cove, which is "SA" quality and can't be defiled with sewage appurtenances, i.e. sewer pumps, asbestos sewer pipes, (some are less than 10 ft. from our clean water cove). The money to build comes from the Federal Water Pollution Control Act Fund, 1972 and states clearly that no sewer pumps etc. can be built on "SA" water after JULY 1,1973. This illegal sewer pump was planned in December 1977 and built on clean water in 1980, falsifying every document on all important criteria for funding.

Petitioner's wife and a group of neighbors went door-to-door with a petition and brought it to the Mayor Joseph Walsh, Gov. Garrahy, and all the Agencies paid to protect clean water. We found that ex-Gov. Philip Noel wanted to build condos, needed sewers, and decided to bring his sewage to the poor of Oakland Beach, as the rich of Warwick Neck wouldn't hear of it. They did not want the condos either.

Respondents started their criminal and

civil violations then,and falsified city, state,and Federal documents,brought us the plague of the highest cancer death rate from the enormous amount of buried asbestos the Respondents had profitted from.

Ex-Gov. Philip Noel had his lawyer, Charles Butterfield,go over to the Warwick planning board and tell them where to site the needed sewer pump. Charles Butterfield was then the Chairman of the Warwick Democratic Party.Butterfield was not an engineer or ecologist,but he was involved with several other Section 8 projects with Phil Noel, and placed in the strategic position of first President of RIHMFC which gives out the money for all the Section 8 projects,and as the papers states "he is laughing all the way to the bank".

Butterfield's associate lawyer is Frank Flaherty,and his brother Robert Flaherty, was positioned in the Health Dept. to see that all fraudulent documents passed right through without a hitch.

The conspirators were all in place and all palms greased, even in Boston "the contact man"for this project was Guy St. Andre. His answer,when all the facts and documents proved our cove was clean "SA" quality water, was "All the water will get polluted anyway, so if it's pure now it will not be for long."

So that another couple of million dollars in taxpayers money shot, and why is this non-competant in such a position in EPA? It is for sure he is not protecting the environment, but he is protecting the interests of the Respondents.

The DEM was James Spaulding and when he saw the irate crowd at the certification meeting, and a meeting from Clean Cove Committee to look at false document for permit, he locked up the papers and moved out of R.I. Mr. Fester took his place and did not allow any discussion on the false permit. His position is Chief of Water Pollution Control. The DEM is Robert Bendix. He

has stayed totally out of any discussion or action pertaining to clean water. We have never heard him address any of the facts either in person, by letter or in the news media. His own people in the DEM office have accused him of giving everything away to the polluters and condo-builders, and doing nothing for the environment.

Petitioner's wife, along with other neighbors, gathered about 1,000 signatures to move the pump site away from clean water. They formed a committee and incorporated into the CLEAN COVE COMMITTEE, Inc. and Petitioner's wife was made the President, and still is. They publicized this atrocity on T.V. and in the local newspapers, Warwick Beacon and Providence Evening Bulletin, on radio talk shows and went to Wash. D.C. for several weeks since 1978, including about 100 letters a year to T.V. shows environmentalists, statemen in all areas of U.S. including President Reagan, where we got the best results of all.

But the illegal pump is still there, sited on our clean water, in front of our Public Park, asbestos pipes are still in the ground rotting into an unmanageable mush that will disintergrate into the soil and water (as it has done in Woodstock, N.Y. the water is full of asbestos fibers and cancer deaths are on every street there).

The City of Warwick stopped buying more asbestos pipes, after we were surrounded by asbestos, and can not drink the water here, and Clean Cove Committee planned the sit-down strike at the Water Dept. bidding, of more asbestos pipes.

We even went to the U.S. Attorney and talked to several people there. Petitioner's wife talked to U.S. Attorney Lincoln Almond in person, but he didn't seem to be affected by the atrocities and criminal violations of the Section 8 politicians, even though the Federal Clean Water Act violations and Executive Order 11988 violations are definitely within his jurisdiction to

have the Federal laws, Acts of Congress, and Executive Order for Floodplain Protection, enforced and obeyed.

Is there no office or agency that exists to see that these contracts between the Federal government, and city and state government do not cheat or defraud the taxpayers, once they get the money ?

Petitioner's wife was told that Mr. Sammartino would be very interested in knowing about these illegal acts by the City of Warwick and the politicians that were profiting from Section 8, so she called him and talked to him about the false permit being issued to violate the last clean cove we have and using Clean Water Act money to do it. She knew someone had to be in charge of prosecuting these law-breakers, but no one has, so far, except our new R.I. Attorney General Arlene Violet. She has gone after the Section 8 profiteers, and has the courage and tenacity will-power and intelligence to get this

difficult job done,that no one else would do. So now the profiteers have financed, in a large part, a man from U.S. Attorney, Lincoln C. Almond's office named James O' Neil to run against our R.I. Attorney General,Arlene Violet because she has succeeded in bringing to court some of these law-breakers that have been the scourge of the R.I. taxpayer's,for too long.

Dennis Roberts was the Attorney General for R.I. at the time Petitioner's wife and her Committee went into court to rectify the illegally sited sewer pump. She got no where. The laws were all ignored,in lieu of patronage.

The laws are all being ignored again in this Civil Rights case that your Petitioner has brought before the courts in R.I.

The crimes and civil violations committed by hirelings of these Section 8 politicans,who have made themselves millionaires at the taxpayers expense,have been allowed to break the law with impunity.

These profiteers think of Rhode Island as their own Monopoly Board.

They have got to the point where the guilty can now put the innocent in jail, and worst,yet,into the crazy house and forevermore,taint the reputation of the innocent,from false police records to the weakness of people to believe the worst.

The U.S.Attorney Lincoln Almond never allowed this case its day in court. None of the allegations were allowed to be heard. The 4 points made in his Motion to Dismiss,had all been done and correctly and timely by your Petitioner,yet, the U.S. Attorney's Office said they hadn't.

He writes that Petitioner never stated a claim then mentions 2 of the claims.

There are 36 pages and he mentioned 35 and the last page has the claims. But it is clear that he did not read the case, because this is a Civil Rights case based on 42 USC 1983,because conspiracy has been, and is,going on to deprive Petitioner of his legal right to a fair and impartial

hearing and trial before a jury to get these facts out in the open and finally let the people know what is going on and stop all this finagling on technicalities and get down to the job of judicating and enforcing the law.

The U.S. Attorney attempts to make a supercilious remark in every paragraph of his MISSTATEMENT OF THE CASE because in paragraph;

1. The grievances with the COE, IRS, and EPA are mentioned on pages 29,at the bottom,to 34,at the top,of the COMPLAINT. On pages 8 and 9 of REBUTTAL TO MOTION TO DISMISS. On pages A-2 to A-14 of MEMORANDUM OF LAW. He failed to read the Complaint and the auxiliary papers, so wrote he could find nothing about any dereliction of duty. It is hard to blame these Agencies when all they get from the City of Warwick is official lies and doctored documents.

2. The law states if a person is claiming he has been conspired against,then that

person must show how and why he has come to that conclusion. Petitioner and his family being subjected to continual attack since 1978,by hirelings of the Section 8 political profiteers,of course,mostly in the night,and using a third person,but many times leading directly to Respondents and these had to be told and documented to prove conspiracy. So it is a convoluted complaint and took nearly a year to untangle this conspiracy, to write it, and several years to figure out what was happening to us.

If it is uncomprehensible to U.S. Attorney, there are Comprehensive Reading classes available.

If U.S. Attorney does not believe that trespassing in the night to bring harm,to do damage, and to threaten the life of Petitioner,and his family,and property,3 arrests of Petitioner,2 of his step-son, who was held 8 hours in jail and 5½ days in the crazy house,locked in with rapists

and murderers,and drugged,came out of the crazy house badly shaken,yet,got a job,in a month's time,and worked hard,but continually getting called over to Kent County Courthouse for "interrogations",not about crimes but slandering his mother and attempting to intimidate a witness,my stepson,because we were together witnessing his car sale when the Respondents and their hirelings were trying to place Petitioner near the stairs of the agent provocateur, Karen Peterson,at 368 Sea View Dr. when Petitioner was over 200 ft. away at his own property 388 Sea View Dr. and that is where he was when police arrested him,and not committing any crime,but under color of law the Respondents and their hirelings conspired to arrest an innocent man to appease law-breaking politicians.

An attempt to break into our house at 388 was made on Nov.23,1984. A brown sedan with black top QN448 put a spotlight on

it,then broke lock on screen door and was using a penlight while trying to break-in front door. Scared them off,called police Linda Eastman,again no crime report made and no arrest of theives. Step-son still in work and got back to 388 and told of attempt. All Glen thought of was his books and the thought of losing them just broke him down,for several months he didn't go out,finally he put his books in several boxes and Petitioner's wife minded them while he went to Apponaug to apply for work. Enroute home he was hit by a white car and knocked over the top of the hood used his hand to shield his face from wind shield. His bike broke to pieces,hand all swollen up for several weeks,coat ripped and dirty. Man who hit him drove him and sections of bike back to 388,promised to replace bike by following Friday and pay for any other damages. Two policemen at scene of accident just looked and said or

did nothing. The man never repaid Glen, Petitioner's wife got name of man from police dept. and form to fill out from Motor Vehicle. Both Petitioner and his wife think this could have been another deliberate "accident",since both of us have been nearly run down by vehicles that have accelerated to high speed (in 25 mph) known trespassers at the wheel.

Now walking,was arrested again,police man badge #209 took him to jail,pulled apart his knapsack and more interrogation just for walking,in daylight,on street he has lived for most of his 29 yrs.

Glen told them they had no right to detain him or interrogate him,Mr. Cherry of Claypool Av. runs him over,2 police witness it,"not a criminal act", walking is?

Glen had obeyed the request of police and wound up arrested on charge of "Intimidating a witness". These false charges dismissed Sept.1986, after 2 long years of harassment and worry. Bertha Doyle did

not answer the subpoena and moving to Maine,before she gets locked up for perjury, she never wrote those charges and did not read what the detectives and Warwick police wrote,she had no idea to cause trouble for Reiner Schwarz or Glen Bowman,she didnot want our house,it was Peterson's idea and she was afraid of her because she took drugs and knew karate and threatened her and had drugs all over her upstairs apt. Doyle told this to another neighbor who retold it to Petitioner's wife, Doyle did not show up at the court,Petitioner's step-son and wife waited over at court 3 days in a row, Glen Bowman is so ill now he does not realize he is free of the long nightmare and can leave and live and work in a free society in another state,he is afraid and have very little intersst in living,he doesn't know who to believe and responds negatively to everything.

Petitioner still has the first false arrest charge hanging over his head though

he had gone over to Kent County Court at least 30 times,on summons and subpoenas. He was polite,quiet,neatly dressed,and on time,had his witnesses with him and photos pertaining to the subject involved,and affidavits from real neighbors and employers. Petitioner was always told to go home. He had lost another day's work.

Always followed from work Petitioner got so apprehensive decided to take bus, so went to get bus schedule at Park and Ride Bus stop. Policeman following him made him get out of his truck by pulling Petitioner out by his arm, and locked him in police car while he made a rummaging search of Petitioner's truck and glove compartment,looked at and read everything.

Policeman wouldn't give Petitioner his name. Petitioner told him that he had brought these violations of his Civil Rights to Federal Court.Policeman let him go.

Motor damaged next night in yard,went on

bus to work,and stopped off to get groceries and then back on another bus, tiresome and nerve-wracking,still hounded to go back and forth to court for something that never happened,started to get severe headaches on top of severe indigestion,also, knew Petitioner's wife was being hounded by filth and threats from Respondents' co-conspirator Peterson,and worried about her safety,and health of all of us,decided to stay home from work,until something was done about these criminals in office and the police dept. that used the dept. to do the dirty work of the Respondents.

Petitioner's wife agreed with him completely,as she feared for my life every time Petitioner left the house.

Petitioner's last summons was delivered nearly one month late. It was for May 19,1986 and received it June 16,with 2 postmarks on it,and slid under the porch screen door. We have had 15 or more postman,since our regular mailman got ill.It

was catch as catch can except for one letter carrier that was very efficient, but only here a short time. IRS forms left over at Apponaug post office 1½ months for lack of enough postage, when the proper procedure is to deliver it back to sender for more postage. We had to go over and pick it up and sign for it, and lose more time. The mail has been one of the least of our problems until this mistake on this summons, your Petitioner now goes from 2 warrantless arrests, and 2 warrantless detentions, and 2 warrantless apprehensions, to a warrant for his arrest for not responding to a summons he did not receive, until too late.

U.S. Attorney received copy of Complaint Sept.6,1985, mailed Sept.5,1985, not as his office states Sept.11,1985. Petitioner has copies of both certified mail receipts.

U.S.Attorney Lincoln Almond mentions

"Nazi persecution" and "frivolous",in his avoidance of the truth of the criminal acts of the Respondents,and Respondents violations of Petitioner's Civil and Constitutional Rights because Petitioner and his wife,and the CLEAN COVE COMMITTEE Inc. brought to public scrutiny the devious behavior of Respondents falsifying government documents and siting sewage appurtences on clean "SA" water and using funds from the CLEAN WATER ACT to defile clean water instead of protecting it as the laws and this Congressional Act has mandated since July 1,1973.

If there is a Nazi among the group of Section 8 politicians that conspired to evade the law in siting this illegal pump and subsequently,bedeviling and hassling innocent people under the color of law,by having them falsely arrested,driving my step-son into a nervous breakdown,and defoliating our trees,bushes and plants,with herbicides, anti-freeze,and salt water,the

names have fooled us. Ex-gov.Philip Noel, ex-mayor Joseph Walsh,ex-chairman of the Warwick Democratic party Charles Butterfield, ex-attorney general Dennis Roberts,and ex-councilman Frank Flaherty,now Mayor Frank Flaherty of City of Warwick,and a list of their hirelings,noticeably,Peterson,gives no clue to such ancestry,but persecute they did,and still do.

If the U.S. Attorney or anyone in Lincoln Almond's office thinks that any part of this Complaint is "frivolous" they have a very warped sense of humor.

The Respondents have harassed and tried to make jobless several other people who dared to tell the truth about them,including our weather man,a Federal employee, Michael Carbone,and our present Attorney General,the courageous,Arlene Violet.

The word "sincere" is the most offensive in such an insincere evaluation of this Complaint.

The claims are specifically made on pg. 36. U.S. Attorney's Office mentions a 35 pg. Complaint, but did receive a 36 page Complaint and quoted from it, but left out the main reason this court case started;

Item 2. That Defendants be made to realize they can not break the law with impunity, so the atrocity the Defendants committed by falsifying government documents, a fraudulent permit, will be rectified and the sewer pump resited, and a Grand Jury investigate this, and all other violations mentioned in this Complaint.

3. (a) Petitioner did state three claims on page 36. Two were quoted by the U.S. Attorney, and the missing one, supra, has been written verbatim from the Complaint.

(b) This is a Civil Rights case, not a Torts case.

(c) The Government was properly served, by certified mail and we have copies of returned green cards.

(d) No one can break the law with impunity, therefore, no one is immune from suit.

On October 24,1985, U.S. Attorney's Office received,and signed for by Rebecca Gurdani,a REBUTTAL OF MOTIONS TO DISMISS. This was totally overlooked by his staff and never mentioned.

All 3 were based on technical error mentioned by U.S. Attorney's Office which has no basis in fact,as Petitioner had complied with these technicalities to the letter of the law,as explained in (a),(b), (c),and (d) supra. The last one from the City of Warwick lawyers, arrived Sept.28, 1985,mentioning the technical error of not numbering the paragraphs. An error apparently overlooked by most lawyers,but in their "sincere effort" to be fair to a Pro Se Petitioner,they have gone out of their way to reach for the trivial while serious charges are overlooked.

Hurricane Gloria had hit on Sept.27,

and we had no electricity for about 9 days and several trees had buried Petitioner's truck and ripped off half the roof,more fences down,trees felled or split in half, and police added to destruction by breaking in back storm door,marking up inside door and shingles above cellar door,which they were jumping up and down on,in attempt to make Petitioner leave his home.

There were several strange trucks and jeeps outside our house that did not belong in the area,but the police concentrated on getting a homeowner out of his own home,which would have precipitated another false arrest by the Warwick Police,and forcing Petitioner to leave his house,where he was safe,and to leave his home unguarded. The trees crashed down directly above the police and they ran for their lives.

The only man killed in the hurricane was killed by a tree falling on him.(Not in this area). But there was a burglary and a break-in on this very block.

Governor of R.I. stated there was no Marshall Law declared,therefore, it was more lawless behavior by a segment of the police dept. who spent their time forcing a man from his home where he was safe,and allow looters to take over the deserted area.

Petitioner's step-son was forced to leave 388 Sea View Dr. where he has been residing until this case is settled, by a truckload of men and 2 policemen. When he got home he found the door standing open and he had locked it. These continual attacks on his person and his psyche, have taken their toll on his life and mental health. He is in a nervous breakdown right now and has been for over a year. He was a quiet studious young man,helpful and considerate. He got good grades in school,won an award for meritorious achievement in science research,and played the trumpet solo at his graduation and in the school band for 8 years. Books are his whole world.

In the U.S. Attorney's Argument against the violations of Petitioner's Civil Rights, Lincoln Almond continually confuses the issue of a Civil Rights case with a Torts case. He did not read the Complaint or if he did than he intentionally mislead the Court. The Respondents have used every one they can buy from drug-pushers to Federal Agencies to harass Petitioner and his family. Petitioner's wife saw a white car with U.S.Government plates U.S.168 and a man with a tanned face and white hair,leading a dk. blue truck. The man in the government car was pointing to our large blue spruce and the truck went around to the back of our lot,stopped the truck,took a large white sprayer off the open back and proceeded toward my blue spruce. The dogs on the back street started to bark and a group of people at the Dromgoole yard got up from the lawn chairs they were sitting in,to watch this intruder. The dogs followed him. He left. He came back that night

and blew a hole in our beautiful Morheim Blue Colorado spruce.It is about 40 ft. high and in the center of our yard. The truck license was 62165 and Petitioner's wife called the police and gave them the license numbers.It was a bright sunny afternoon and she was at the oak tree on the fenceline near the street and very easy to see.It was the first Sunday Petitioner wife had stayed home.We had gone out every Sunday afternoon, the surveillance on us knew this,so the blatant display of criminal behavior was going on right in front of her. As Petitioner's truck was gone from driveway,as I had gone shopping,and it was Sunday. Many people did not know the garden across the street was ours,and that is where my wife was at the spigot getting the water turned on. It was a merciful God that let her see who the enemy really was because the Respondents wanted her to think neighbors were doing all this damage every time they went out.Neither the police nor her

Representative Richard H. Johnson, would identify these criminals who were trespassing on our private property,and poisoning and killing our trees and hundreds of our flowers,and the soil around them. Petitioner and his wife have to wear heavy shoes and boots,outside,to combat neuritis,which got so severe last year that Petitioner's wife nearly died.

It was pouring rain,Petitioner's wife went to help step-son who had locked himself out. She had on high boots but a cut had let in rainwater from deep puddles. She started to feel sharp pains in her feet and both legs,paralysis set in,her right arm became numb and right side,she was in agony and knew if the paralysis reach her heart it was live or die,within moments.Petitioner wanted to call the Rescue Squad. Petitioner's wife said that it was happening too quick,only God could save her and she was praying then. If God wanted

her to keep on with His work she would get better,and over night she did get better. She has had wrist drop and foot drop and tingling and difficulty walking. She has typed for weeks on end with a wrist support of leather. She was 59,then 60 at the time, but Petitioner is several years younger than his wife, her son was 26 years old when he started to feel the same symptoms. He used to lay on the grass,and has foot trouble and aches all over,and so has Petitioner. It is directly involved with the saturation of our property with chemical poisons,herbicides and insecticides.

U.S. Attorney Lincoln Almond wants a short statement of 8½ years of violations against our Civil Rights as Human Beings let alone Citizens of these United States.

How can Petitioner condense violations that range from gerrymandering us right out of our voting district on our clean water cove and forcing us to vote over on the polluted cove side,(My wife has lived in this house 40 years and is President of

the CLEAN COVE COMMITTEE,Inc. for past 7½ years) to having suffered and endured threats,slander,arson attempts,gunshots, false arrest,false imprisonment,and a nervous breakdown?

Hundreds of criminal acts and violations of civil and Constitutional Rights have not been mentioned because of the page limitation,but they happened nonetheless.

Propaganda from Russia mentions dissidents being put in the crazy house there. We are dissidents here,we do not agree with the politicians who violate the Clean Water Act and other state and city laws, to bring sewage to clean water and poison the land and water with ASBESTOS water and sewer pipes.

The Respondents have tried to put us all in the crazy house, either before or after they drive us crazy. So who are we to talk about the Russians?

Petitioner's wife says,"But we have a UNITED STATES SUPREME COURT we can go to".

SUMMARY

Petitioner has set out claims, serviced all the Respondents by registered mail on time, repeatedly rebutted that this is not a Torts, but a Civil Rights case.

Respondents, and their lawyers, know this started when they falsified the permit for a sewer pump on clean water, by using fraudulent findings-of-facts. They are still ignoring the truth, and the facts of this case.

Only allegations of pleading may be considered on motion to dismiss it. Eberle v. Sinclair Prairie Oil (1940, DC Okla) 35 FSupp 296, affd (CA 10 Okla) 120 F2d 748, 135 ALR 1494.

Petitioner's Fourth and Fourteenth Amendment Rights have been totally violated. No one will deal with facts of this case. It has not been heard anywhere. It is sanctifying lawlessness.

Everything written here is true, so help me God.

Reiner Schwarz Pro Se.

REINER SCHWARZ, Pro Se

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APPENDIX

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APPENDIX

U.S.COURT OF APPEALS FOR THE FIRST CIRCUIT

C.A. NO. 86-1065

REINER SCHWARZ

Petitioner,

vs.

CITY OF WARWICK,ET ALS.

Respondents.

APPEAL FROM THE U.S. DISTRICT COURT

FOR THE DISTRICT OF RHODE ISLAND

Honorable Raymond J. Pettine

U.S. District Senior Judge

Before Coffin, Chief Judge,

Bownes and Torruella, Circuit Judges.

July 28,1986

Reiner Schwarz appeals from a judgment of dismissal which was rendered after an untimely Rebuttal of Motions to Dismiss, and Motion for Reconsideration were both denied on October 22,1985 and December 2,

1985, in the U.S. District Court for the District of Rhode Island.

This Judgment was affirmed by the U.S. Appeals Court on July 28,1986.

Petitioner received this Judgment on August 6,1986 allowing only 4 days to respond for a rehearing, usually allowed 2 weeks. Petitioner definitely wanted to ask for a rehearing but with 10 days already lost in delivery of this Judgment, the 4 remaining days were not enough.

Petitioner has mentioned,supra,about trouble with receiving mail because of 15 different mailpersons, and privileged informer and agitator,Peterson,has no qualms about Federal prosecution for tampering with the U.S.Mail,both at Petitioner's mail box and at 388 Sea View Dr. where step-son has had even more trouble to the point of placing mailbox up very high and locking it. We have seen these trespassers. on urging of Peterson,enter our property and our mail box. The Appeals Notice of Judgment had "Aug.4/85"written on it in

ink "Door locked",also,and there is no door involved as mailbox is outside, aside of first porch step. Petitioner's wife was lucky to get it when she did as 2 of the occupants of next door (366) were in my yard and reaching out for our mail,but wife reached out to get it from the mailman. Another mailman that has never been seen before or since and could have easily given our mail to these people because it looked like he was about to do that,but avoided this time, by my wife.

In this July 28,1986 unpublished decision,the Appeals Court for the First Circuit, went along with the "neighbor dispute business",which has been the "cover story" or alibi given out,by the Respondents since 1978, when the roses all started to die along the fence.Petitioner had over 50 rose bushes,many prize-winners,so beautiful and outstanding that they were the first of our garden to be attacked.

Petitioner's wife said,"Show me which

one of my neighbor's owns a helicopter or small plane and I'll believe you." My wife has been sprayed by defoliants 5 times, 2 were helicopters,2 small planes and once the Warwick City truck,yellow with a gray hopper on back,which sprayed directly at our blue spruce,and over it to a Japanese red maple.It killed every branch it touched as within hours the leaves had shiveled up and several days later the branches dropped off. Her jacket has been washed many times but an odd odor persists.It was in her hair and she breathed in some by accident.It was not malathon as report from DEM pesticide div. wrote in report.It was a defoliant,and later, and previously, our oaks, willow,fruit trees and flowering trees were attacked.

Vietnam Veterans who were fighting against Agent Orange told us what it was and how it worked. John Leo,from Agriculture aerial spraying dept. said the Respondents are using "Biological Warfare on you".

Respondent, agent provocateur, Peterson, met with police every morning 5:30, and nearly once a day, for 2 years, police were at her beck and call, compiling malicious and untrue reports about Petitioner's wife, and entered our home with the knowledge of the police. She conspired with police under the color of law to have Petitioner, his wife, and step-son arrested, and conspired to put all of us in the IMH. We overheard Peterson's talk with Officer Eastman concerning getting into our home.

After Peterson was successful in having Petitioner arrested, and step-son, she asked police to have Petitioner's wife arrested. Officer Walch was present when Peterson said, "I got Ray Pendergast to put your son in the IMH, and your husband in the IMH, but they are not crazy, and now I'm going to get you put in the IMH because you are the crazy one!" Filth spewed from her mouth as she shook both fists at my wife. The police told my wife to go in the house and lock it.

Motion for particulars served after expiration of 20-day period for filing answer was regarded in light of excuses for delay advanced in counsel's brief, as application for enlargement of time and was granted accordingly. O'Leary v Liggett Drug Co. (1940, DC Ohio) 1 FRD272.

Fed. courts have held it is permissible to state a civil cause of action for conspiracy based on 42USCS 1983 especially if the conspiracy was carried out. It has been recognized that a cause of action exists under 1983 if an alleged wrongful confinement to a mental institution is involved.

This is an action from a conspiracy to interfere with civil rights under 42USCS 1985(3), and for deprivation of such rights under 42USCS 1983, wherein conspiracy deprive Petitioner of his rights, privileges, and immunities secured by the Constitution, Lewis v Brautigam (CA5 Fla) 227 F2d 124, 55 ALR2d 505.

Letters

Reflections on Orwell and 'onslaught of official lies'

George Orwell, in his book, "1984," wrote, "The people's minds will be numbed by the onslaught of official lies."

Here in Rhode Island that happened in 1978, when the full impact of a stacked deck and crooked politics was brought home to a large crowd of taxpayers who believed they would be listened to, and the atrocity be resolved. Instead, official liars spieled on for two hours. Our documents were disallowed. Anyone who hinted at the truth "went off the record."

This hearing concerned siting a sewer pump on clean "SA" water in violation of the Clean Water Act, by using a fraudulent permit in which all important facts were falsified. "SA" water, open to shellfishing, V10 Zone, was changed to "SB" water, closed to shellfishing, A10 Zone, etc. The truth was ignored even in the "alleged" halls of justice.

The Greenhouse Compact will give more taxpayer dollars to pet projects and appointees, whose only position is with hands out and eyes closed.

Listen to Prof. Allan Feldman, who said, "Most of the money goes to high-paid 'engineers' and political bureaucrats and venture capitalists."

He is an economist at Brown University. We shouldn't rule him out just because he knows what he is talking about.

As Anthony P. Mayo wrote, the threat to freedom is real. With the Murray Commission exempting itself from laws, open meetings, financial disclosures, and Governor Garrahy restacking the "justice system," more appointees can put a stranglehold on whomever we vote into office.

When did the state bird become a vulture?

Catherine Elizabeth Schwarz
President
Clean Cove Committee Inc.
Warwick

CERTIFICATION: True copies of this Writ of Certiorari were mailed to; Lincoln Almond, U.S. Attorney, Federal Bldg. Kennedy Plaza Providence, R.I. 02903, Attorney General Arlene Violet, 72 Pine St. Prov. R.I. 02903 Olenn & Penza, 1246 Chalkstone Av. Prov. R.I. 02908, Edwin Meese, Attorney General USA. Dept. of Justice, Constitution Av. & 10th St. NW Wash. D.C. 20530, John C. Martin, Inspector General EPA, 401 M St. SW Wash. D.C. 20460, Joel Gerber, Chief Counsel, IRS Dept. of Treasury, 5th St. & Pennsyvania Av. NW Wash. D.C. 20220, John O. Marsh,Jr. Secretary of Army, Pentagon,Wash. D.C. 20310.

Reiner Schwarz Pro Se

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374 Sea View Dr. Warwick,
Rhode Island, 02886
Tel. 1-401-738 7648

Anna Lisa Buoncervello

NOTARY

Sworn to and subscribed before me on, October 22, 1986. [illegible]

86-790

Supreme Court, U.S.
FILED
OCT 27 1986
JOSEPH F. SPANIOL, JR.
CLERK

No._____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1986

REINER SCHWARZ,

Petitioner,

vs.

CITY OF WARWICK, ET ALS.,

Respondents.

****

SUPPLEMENTAL APPENDIX

TO THE U.S. COURT OF APPEALS

FOR THE FIRST CIRCUIT

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REINER SCHWARZ, PRO SE.

374 SEA VIEW DRIVE, WARWICK, R.I. 02886

Tel. 1-401-738 7648

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SUPPLEMENTAL APPENDIX

U.S.COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 86-1065

REINER SCHWARZ

Plaintiff, Appellant,

vs.

CITY OF WARWICK, ET ALS.,

Defendants, Appellees.

APPEAL FROM THE U.S. DISTRICT COURT

FOR THE DISTRICT OF RHODE ISLAND

Honorable Raymond J. Pettine,

Senior U.S. District Judge.

Before Coffin, Bownes and Torruella,

Circuit Judges. July 28,1986.

Per Curiam. This is a pro se appeal by plaintiff Reiner Schwarz from a dismissal of his complaint by the U.S. Court for the District of Rhode Island. The court granted defendants' motions to dismiss pursuant to

Rule 12(a)(2) of the local Rules of Court for the District of R.I. upon Schwarz's failure to file a timely opposition. Each defendant argued that the complaint failed to state a claim under Fed. Rules of Civil Procedure 12(b)(6).

Although pro se complaints are normally held to less stringent standards than pleadings drafted by lawyers, Sibarro v. Warden Mass. State Penitentiary, 592 F.2d 1, 2(1st Cir.),cert denied,444 U.S. 849(1979) even in such case Plaintiff must allege facts from which it can be reasonably inferred that an injury resulted by reason of the defendant's action,and that if that wrong is established,the Federal courts are competent to grant the relief requested. Bowker v. Morton,541 F 2d 1347,1349(9th Cir.1979. The pro se complaint is confusing narrative of incidents primarily concerning a neighborhood dispute. The "claims" are not plain or concise. Memorandum of law not related to the "facts" as they are

stated. Finding that there is no claim upon which relief can be granted, we conclude that the district court did not abuse its discretion by dismissing the complaint.

Affirmed.

U.S.DISTRICT COURT FOR THE DISTRICT OF R.I.

No objection being timely filed pursuant to Rule 12(a)(2) of the Local Rule of Court for the District of R.I., the within motion is granted. October 22,1985.

Hon.Raymond J.Pettine,Senior Judge.

On Motion for Reconsideration,

The Court stands by its previous ruling. Honorable Raymond J. Pettine,Senior Judge. December 12, 1985.

In both cases,cited by the U.S. Court of Appeals for the First Circuit, there is no bearing on Petitioner's case, except;

1. Federal Civil Procedure 671

Pro Se complaint is held to less stringent standards than pleadings drafted by lawyers.

2. Federal Civil Procedure ⇦1772

Motion to dismiss for failure to state cause of action is not proper remedy for inartful pleading. Fed.Rules Civ.Proc. rule 12(b)(6), 28 U.S.C.A.

Petitioner is a hard-working man that has helped in the building of the Prudential Center, to oak doors for Harvard University, and in R.I., from the tallest bldg. Hospital Trust Tower to the very Warwick Police Station where he was illegally held without a warrant, or crime committed.

He has not been indicted for anything, but kept getting arrested and apprehended and followed by police, until he became so nervous enroute to and from work that he stopped altogether before he did have a nervous breakdown. He is 53 years old and continual harassment after a hard day's work, just made it unbearable to face.

To have the Appeal Court compare this case with a prisoner's case extends the aura of criminality to Petitioner's case,

an innocent man beset by a few lawless policemen,and hirelings of the local corrupt politicians, who have set everyone on us but wild dogs. The criminals are in Warwick City Hall. The police said their orders were coming from the Mayor's office.

Petitioner has been forced to buy bottle water since 1978 when the sewer project broke our original water pipes and replaced them with asbestos pipes that leave sediment in the water that is hazardous to our health. R.I. has the highest cancer death rate,and asbestos pipes have been buried throughout the state. Bowker v. Morton,concerns water(irrigation)but what the people wanted and needed and were using. We do not need,want,or use the asbestos sewer system. We voted it down 47% twice. It is not on our property.It was built for the condos, which has to have a sewer system before the condos can be built. The 2 leading lawyers for these condos stated that the condos'

owners shouldn't pay for sewers.(Apparently,only the people that don't need or use the sewer system should be forced to pay for it.) Furthermore,this sewer system involves a criminal act which was the false permit and falsified government documents, to bring raw sewage to clean "SA" water in violation of the Federal Water Pollution Control Act,1972,(Clean Water Act) which mandates that no sewage appurtenances can be sited on or at clean "SA" water after July 1,1973. Petitioner would be an accomplice to a criminal act if he complied by allowing the Respondents to attach their asbestos sewer pipes to his,Petitioner's house, knowing that this is an atrocity against man and nature,as well as the law.

Amendment 14-Rights Guaranteed Sec.1. Privileges & Immunities, the right to inform the United States authorities of violations of its laws. In re Quarles and Butler, 158 U.S. 532 (1895).

Rule that complaints in civil rights cases must be specifically pleaded in order to avoid motion to dismiss is not intended to subvert the liberal policy favoring amendment of complaints as expressed in Rule 15(a), Federal Rules of Civil Procedure, and considerations underlying such a rule must be balanced against the equally important policies that pro se litigants not be denied opportunity to state a civil rights claim because of technicalities, and that litigation, where possible, should be decided on the merits.

Lewis v Brautigam (CA5 Fla) 227 F2d 124, 55 ALR2d 505; Dunn v Gazzola (CA1 Mass) 216 F2d 709. Extension of time to answer and filing of answer before motion to dismiss for insufficiency of service of process did not bar relief requested in motion. Capital City Theatre Co. v Warner Bros. Pictures, Inc. (1956; DC NY) 19 FRD 210.

Motion to dismiss for failure to state

claim may be granted only in the clearest cases,and must be denied when additional facts are required before ultimate judgement may be arrived at. Swartz v Eberly(1962,ED Pa) 212 F Supp 32.

Meaning of word "claim" as it appears in Rule 12(b)(6) has been defined in closely analogous contexts as aggregate of operative facts which give rise to right enforceable in courts and as "set of facts giving rise to one or more legal rights." Goldstein v North Jersey Trust Co.(1966, SD NY) 39 FRD 363, 10 FR Serv 2d 574, 10 FR Serv 2d 674.

Order dismissing complaint with prejudice for failure to state claim, with no mention of amendment or attempt at amendment in record,is final appealable order. Cedar Coal Co. v United Mine Workers(1977, CA4 W Va) 560 F2d 1153,95 BNA LRRM 3015,

Complaint is sufficient to withstand motion to dismiss for failing to state claim upon which relief can be granted where

it sets out generalized statement of fact from which defendant may frame responsive pleading. Wooldridge Homes,Inc. v Bronze Tree,Inc.(1983,DC Colo)558 F Supp 1085,CCH Fed Secur L Rep 99167.

Complaint should not be dismissed merely because plaintiff's allegations do not support his stated legal theory,for court is obligated to determine whether allegations support relief on any possible theory. Re Longhorn Secur. Litigation(1983, WD Okla) 573 F Supp 255.

Although defense of failure to state claim is not waived by answer,merely pleading in broad terms does not amount to failure to state claim,especially when generality of pleading arises from statutory language. Minkoff v Steven Jrs,Inc.(1958, CA2 NY)260 F2d 588, 1 FR Serv 2d 74.

Mere vagueness or lack of detail is not grounds for motion to dismiss. Karno-Smith Co. v School Dist.(1942,DC Pa) 44 F Supp 860; Brauch v Birmingham(1943, DC Iowa) 49

F Supp 229, 43-1 USTC 9446; Hess v Factors Corp.(1948, DC Pa)80 F Supp 727; Fedorchak v Montgomery Ward(1955,DC Pa)18 FRD 1.

Claim. To demand as one's own or as one's right;to assert;to urge;to insist. Cause of action: Means by or through which claimant obtains possession or enjoyment of privileges or thing. Demand for money or property or injunctive relief. Black's Law Dictionary.

Claims were,and are,clearly stated on last page of Complaint,page 36.

Respondents failed to read Complaint, or do not care to address these atrocities perpetrated against Petitioner and his family due to 3 false arrests,and conspiracy to harm his family,and destroy his property,in violation of 42 USCS 1983,1985.

The facts in issue demand their application in the interest of justice and right. 8 ALR 754.

Pro se complaint so inartfully drawn that court cannot clearly determine gro-

unds for claim for false imprisonment is not dismissed in view of liberality with which courts are required to construe pro se pleadings. Stephenson v Gaskins(1976, CA5 Ga) 539 F2d 1066.

Prior allegations should be considered in determining whether good claim for relief is stated. Fleischmann Distilling Co. v Distillers Co.(1975, SD NY) 395 F Supp 221, 1975 CCH Trade Cases.

No matter how unlikely it may seem that plaintiff will prove its entitlement to relief Federal policy favors dispositions on proofs rather than on pleadings; plaintiff should be granted every opportunity to cure defects in its pleadings by amendment no matter how unpromising the initial attempt. Sixth Camden Corp. v Evesham(1976 DC NJ) 420 F Supp 709.

Fact that plaintiff might not be entitled to all relief sought did not warrant dismissal of entire suit. Refoule v Ellis

(1947, DC Ga) 74 F Supp 336.

Mere vagueness or lack of detail is not grounds for motion to dismiss, but complaint can be attacked by motion for more definite statement. Josephson v Joslin, (1964,DC NJ) 38 FRD 344.

Where motion to dismiss is predicated upon Rule 12(b)(6) petitioner is entitled to amend his petition. Kinney v Lenon(1971 CA9 Or) 447 F2d 596.

If court dismisses suit for lack of brevity, pleader should be informed of that so he may amend. Griffin v Locke(1961,CA 9 Ariz)286 F2d 514,4 FR Serv 2d 131.

Remedy by motion for more particular statement of claim. United Ins. Co. v B.W. Rudy,Inc.(1967,ED Pa) 42 FRD 398,11 FR Serv 2d 105. Sarter v Mays(1974,CA5 Ala)491 F2d 675. Keasbey & Mattison Co. v Rothensies(1941, DC Pa)1 FRD 626. Porter v Karvas(1946,CA10 NM)157 F2d 984. Payne v Rollings(1975,ED Va)402 F Supp 1225. Dack v

Shanman(1964,SD NY)227 F Supp 26. Schoeler v Roth(1942,DC NY)51 F Supp 518. Moawad v Childs(1982, CA5 Miss)673 F2d 850.

Complaint does not require amplification where information sought to be obtained is peculiarly within knowledge of defendant. There had been extensive discovery in earlier actions. Hylte Bruks Aktiebolag v Babcock & Wilcox Co.(1968,SD NY) 45 FRD 357, 12 FR Serv 2d 67. International Asso. of Machinists v United Aircraft Corp.(1962 DC Conn)30 FRD 142,6 FR Serv 2d 125.

Provision for service by mail(Rule 4(c)(2)(C)(ii) establishes alternative to rule 4(d)(1) procedure. Amendment permitting service by mail applies to summons' issued on or after Feb.26,1983. Jaffe v Federal Reserve Bank(1983,ND Ill)100 FRD 443. United States on behalf of Acoma & Laguna Indian Pueblos v Bluewater-Toltec Irrig.District(1983,DC NM) 100 FRD 687.

Petitioner, Reiner Schwarz, did serve all Respondents by certified mail and has

filed proof of service with the Clerk of the U.S. District Court for the District of R.I. Also,Petitioner has copies of them and return cards of all subsequent motions.

A motion to dismiss complaint in McIver v Russell(1967,DC Md)264 F Supp 22, with regard to a count alleging a violation of 42 USC 1983 of 5 defendant policemen, was denied. Court rejected the police argument that by virtue of the public nature of the employment they were immune from actions brought under the Federal Civil Rights Act. The court said there could be no doubt that Congress had the power to enforce provisions of the Fourteenth Amendment against those who carry a badge of authority of a state and represent it in some capacity, whether they act in accordance with their authority or misuse it,and that policemen clearly could not interpose the public nature of their job between a federal cause of action alleging deprivation of civil

rights and their potential accountability in damages therefor.

Valid claims were made of violations under 42 USC 1983 in Selico v Jackson(1962 DC Cal)201, Stringer v Dilger(1963,CA 10 Colo)313 F2d 536, Morgan v Labiak(1966, CA10 Colo)368 F2d 338,1 ALR Fed 512.

Petitioner did not name police,specifically,because this case involves conspiracy by a former, and present Mayor of the City of Warwick,who sent these policemen out on their orders,and with the collaboration of a known privileged informer, Karen Peterson,who had her arrest record for dealing in drugs expunged if she did cooperate with the Respondents to entrap Petitioner's wife. The police themselves warned Petitioner's wife of "serious charges and accusations" being made against her by Peterson, and that Petitioner's wife should stay indoors and keep her doors always locked. Peterson was arrested for dr-

ug dealing in a local bar several months ago,and a short while later it was dismissed,even though an assault on a policeman was involved,and Peterson is well known as a drug user and pusher,and apparently a professional witness. Two policemen were at 368,Nov.2,1986 from about 9:00 P.M. to 10:30 P.M. again,with clipboards. Bright headlights flashed by our windows and saw the 2 squad cars just beyond our fence.It was the latest episode but has been going on since Peterson moved in, and has been 3 years of Peterson's malice that has her writing reams of complaints and charges about Petitioner and his family (that the police take down word for word) and no matter how many times she threatens and trespasses,damages and lies about us. We are not afforded equal protection of the law. The police told us themselves they can not take any complaints from us.

Our house was illegally entered when we were in court. Petitioner's wife went to

her easy chair,springs and stuffing was all over the floor. Petitioner puzzled on how the vandals got in,and didn't know what was stolen. Sofa was slashed. Didn't call police. Figured they already knew about it,and it would be a waste of time.

Three days later,Peterson's boyfriend parked his truck near our porch,in the street,Peterson was shouting,"Oh what signs in her kitchen! Pathways to God,and Give me a break!" Her boyfriend said,"Shh! She'll hear you!"

So Peterson got us arrested,and all in court together,giving Peterson,and agency involved with her,to make their illegal entry,and unwarranted search and vandalism.

That is why we put the Respondents as, City of Warwick & State of R.I.'s Prosecution,Legal Offices,and their Agents & Associates,both known and unknown,including United States Agencies. The previous Attorney General's office of Dennis Roberts

was appraised of the warrantless arrest,so 12 days later,a Kenneth Madden of the A.G. office,made out a warrant. He is not a magistrate,and nothing impartial about that office(at that time).Its a false affidavit.

These were mentioned so court could see the length certain people went to in this conspiracy. Everyone we discovered traced back to the local Warwick Democratic"Phil Noel"group of Section 8 profiteers that wanted to bring sewage to our clean water and had authored the false sewer pump permit. Our Complaint is 36 pages long because of the many violations to our civil rights from 1978 until this point in time.

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CIVIL ACTION FOR DEPRIVATION OF RIGHTS ---Every person who,under color of any statute,ordinance,regulation,custom,or usage of any State or Territory,subjects,or causes to subject,any citizen of the United States to the deprivation of any rights, privileges,or immunities secured by the Constitution and laws,shall be liable to

the party injured in an action at law, suit in equity, or other proper proceeding for redress. (RS Sec. 1979). This is the full text of 42 USCS 1983.

It has been determined that the common-law concept of judicial immunity was not abrogated by enactment of Sec. 1983, but it has been recognized that if all state officials were to be granted such immunity from liability for all acts done or committed within the ostensible scope of their authority, such would virtually amount to a judicial repeal of the civil rights acts. 16 ALR Fed 440 Sec. 2(a).

See Hoffman v Halden (1959, CA9 Or) 268 F2 d 280. The court did recognize that no immunity should be granted to an official who wilfully disobeys a court order.

This case was over-ruled on the 2 year limitation of time to enter case. Whereas, Petitioner has entered his suit well within this limitation, 1 year to the date.

In Ryan v Scoggins(1957,CA10 NM) 245 F2d 54, the court stated that it is only in instances in which a judge acts or proceeds offically in the clear absence of any color of jurisdiction in respect to a cause or matter over which the court is clearly without any color of jurisdiction that he may be subjected to personal liability as a trespasser for damages arising out of his unauthorized act.

In Cohen v Norris(1962,CA9 Cal)300 F2d 24, an action for conspiracy could be maintained under Sec.1983. While acknowledging that decision,the court declared that it must be remembered defendants in case were police acting in concert,who conspired under color of law and their authority, to deprive the plaintiff of rights.

In Monroe v Pape(1961)365 US 167,5 L Ed 2d 492, 81 S Ct 473, an action brought under Sec.1983 for an illegal search and arrest, the Supreme Court stated that regardless of the state having a law which,if

enforced,would give relief; it is no answer. The court declared the federal remedy is supplementary to the state remedy,and the latter need not be first sought and refused before the federal one is invoked.

City is "person" within meaning of 42 USCS 1983 with respect to actions for injunctive relief. Dailey v Lawton(1970,CA 10 Okla)425 F2d 1037,12 ALR Fed 956; Meltor v Atlanta(1971,DC Ga)324 F Supp 315; Traylor v Amarillo(1973,DC Tex)354 F Supp 1143,affd(CA5 Tex)492 F2d 1156.

Municipal corporations are considered persons within meaning of 42 USCS 1983 when equitable relief is sought,though they are not when legal relief is sought. Carpenter v Greenfield School Dist.(1973, DC Wis)358 F Supp 220.

Damages are recoverable under 42 USCS Sec.1983 for violations of a citizen's Fourth Amendment protections against unlawful arrest. Wyland v James(1977,DC Tex)

426 F Supp 304.

Individual's right to be free from unlawful arrest is right protected or secured by federal Constitution, violation of which may be grounds for suit under 42 USCS 1983. Duriso v K-Mart (1977, CA5 Tex) 559 F2d 1274.

If county attorney and his deputy committed acts, or authoritatively directed commission of acts, which ordinarily are related to police activity, cloak of immunity should not protect them. Robichaud v Ronan (1965, CA9 Ariz) 351 F2d 533.

Conspiracy claim can be validly made under 42 USCS 1983. Rundle v Madigan (1972, DC Cal) 356 F Supp 1048. Wade v Bethesda Hospital (1973, DC Ohio) 356 F Supp 380, 70 Ohio Ops 2d 218.

Supervisory officials indifference is actionable under 42 USCS 1983, Perry v Elrod (1977, DC Ill) 436 F Supp 299, Riley v Minneapolis (1977, DC Minn) 436 F Supp 954.

Arrest without probable cause is violative of right secured by Constitution and can be basis of recovery for illegal arrest pursuant to 42 USCS 1983, Sartin v Commissioner of Public Safety (1976 CA8 Minn)535 F2d 430. Droysen v Hansen (1973, DC Wis) 59 FRD 483.

Arrest and search without probable cause is classic, prima facie case in violation of 42 USCS 1983. Willits v Garmire (1974, DC Fla)379 F Supp 361.

Acting under color of law, plaintiff illegally detained and fingerprints and mug shots obtained from him. Beightol v Kunowski(1973,CA3 Pa)486 F2d 293,on remand (DC Pa) 382 F Supp 985. Sufficiently states cause of action for damages under 42 USCS 1983, also, denial of counsel during initial incarceration,even if no detrimental evidentiary matter extracted during detention. U.S. ex rel.Brzozowski v Randall(1968,DC Pa)281 F Supp 306.

Citizen's constitutional rights are of such value that nominal damages at least are presumed to flow from deprivation of such rights. Bell v Gayle (1974,DC Tex) 384 F Supp 1022.

Compensatory damages awardable in a Civil Rights Act case are not limited to the out-of-pocket pecuniary loss which petitioner has suffered. Damages can also be awarded for emotional and mental stress caused by the intentional tort. Donovan v Reinbold(CA9 Cal)433 F2d 738.

As a matter of federal law,it is not necessary to allege nominal damages;nominal damages are proved by proof of depriation of a right to which the plaintiff was entitled.Basista v Weir(CA3 Pa)340 F 2d 74.

Punitive damages are imposed in 42 USCS 1983 primarily for their effect on defendant,and to vindicate public interest in deterring malicious or wanton conduct by

public officials; in arriving at appropriate amount to be awarded as punitive damages, court must take into consideration severity of constitutional violation and what is necessary to reasonably deter such conduct in future, Aumiller v University of Delaware (1977, DC Del) 434 F Supp 1273, also, where defendants have acted willfully and in gross disregard for the rights of the plaintiff or when they have behaved in bad faith for an improper motive. Mitchell v Chester County Farms Prison (1976, DC Pa) 426 F Supp 271.

Wrongful search is a trepass which is an invasion of privacy, recovery can be made for mental and emotional distress, whether plaintiff has received a physical injury. 68 AM Jur 2d Sec. 121 and 122.

Summary dismissal of suit alleging law enforcement, mistreated and physically abused plaintiffs, and seeking court order to cancel arrest records after aquittal of plaintiffs, was an error as arrest records

seriously impair fundamental rights of persons involved. Wilson v Webster (1972, CA9) 467 F2d 368.

Cause of action for conspiracy can be based on 42 USCS Sec. 1981 or 1983. Mizell v North Broward Hospital Dist. (1970, CA5 Fla) 427 F2d 468. Also, McShane v Moldovan (1949, CA6 Mich) 172 F2d 1016.

In, Monroe v Pape, supra, the Supreme Court reversed the judgment below, on certiorari. Defining the action taken under color of state law, within scope of 42 USC 1983, resulting from the misuse of power, possessed by state law and made possible only because the wrongdoer was clothed with the authority of state law, Justice Douglas, expressed views of 8 members.

42 USCS 1985. Conspiracy to interfere with Civil Rights. (2) Obstructing justice intimidating party, witness. If 2 or more persons conspire to deter, by force, intimidation, or threat, any party or witness in any court of the U.S. from attending such

court,or to injure such party in his person or property on account of him so attended or testified,or any presentment,or conspire for the purpose of impeding,hindering,or obstructing justice,in any manner,with intent to deny equal protection of any laws,or to injure him for attempting to enforce equal protection of the law. (3)Depriving persons of rights and privileges.Re: Conspiracy,if one or more persons in furtherance of such conspiracy,whereby another is injured in his person or property,or deprived of his rights or privileges,the party so injured may have an action for recovery against any one or more of the conspirators.

District Attorney who conspired to punish plaintiff for taking opposing political view was not immune from suit,as he had used his office to harass plaintiff. Rousselle v Perez(1968, DC La)293 F Supp 298.

Lowenstein v Rooney(1975,DC NY)401 F Supp 952.Action brought by congressional candidate seeking relief from government officials for unlawful conduct,search by FBI,surveillance,unlawful conspiracy.

Azar v Conley(1972,CA6 Ohio)456 F2d 1382,later app (CA6 Ohio)480 F2d 220. All attempts to bring charges against co-defendant were suppressed by defendant police,who were friends of person who shot at him.Claim sustained under 42 USCS 1985(3).

On its face,1985(3)provides only for an award of damages of civil rights;however, District Court has jurisdiction to grant injunctive relief. There is no explicit language to preclude District Court from issuing an injunction to protect constitutional rights.Action v Gannon(CA8 Mo)450 F2d 1227.Brewer v Hoxie School Dist.(CA8 Ark)238 F2d 91;Freeman & Bass v New Jersey Com. of Investigation(DC NJ)359 F Supp 1053;Pennsylvania v International Union of Operating Engineers(DC Pa)347 F Supp 268.

If U.S. Attorney had good faith in his dealings with Petitioner's right to equal protection under the law, and a trial by a jury of his peers to resolve some,if not all,of these violations of his Civil and Constitutional Rights, and if it was truely thought that Petitioner's complaint was considered to be vague or insufficient,it is the Rules of Civil Procedure,Rule12(e), that calls for a Motion for More Definite Statement, not a Motin to Dismiss.

Petitioner reiterates that the 4 points taken by U.S. Attorney have no validity as service to all Respondents was made, cause of action,demand and claim are made on the last page of Complaint, page 36,and this is not a Torts,but a Civil Rights case.

Respondents objections were so obvious not true, and Petitioner thought it went without saying,especially,as he was dealing with the reality of 2 hurricane threats and bringing furniture upstairs,after work.

Petitioner lives in the Velocity Flood plain, high risk hurricane area. Hurricane Henry hit in the middle of Sept. and Gloria hit Sept. 27th. There was more damage here than anywhere else in R.I. Possibly, 8 yrs. of herbicides being sprayed on our trees weakened them so they couldn't withstand this hurricane, as they had in the past.

We got first motion before hurricane warnings, second in the middle of warnings, and third day after. The postman arrived in the middle of a jungle of fallen trees. Got a generator for lights 6½ days later, electricity 9½ days later. In O'Leary v Liggett Drug Co. supra, excuses of lawyer for untimely delay was given extra time.

Petitioner would have amended, given time, and added 28 USCS Sec. 1343, and hopefully will be allowed.

Respectfully submitted,

Reiner Schwarz Pro Se

REINER SCHWARZ, PRO SE

CERTIFICATION: True copies of this Supplemental Appendix were mailed to; Lincoln Almond, U.S. Attorney, Federal Bldg. Kennedy Plaza, Providence, R.I. 02903, Attorney General Arlene Violet, 72 Pine St. Prov. R.I. 02903, Olenn & Penza, 1246 Chalkstone Av. Prov. R.I. 02908, Edwin Meese Attorney General USA. Dept. of Justice, Constitution Av. & 10th St. NW Wash. D.C. 20530, John C. Martin, Inspector General EPA, 401 M St. SW Wash. D.C. 20460, Joel Gerber, Chief Counsel, IRS, Dept. of Treasury, 5th St. & Pennsylvania Av. NW Wash. D.C. 20224, John O. Marsh,Jr. Secretary of the Army, Pentagon, Wash. D.C. 20310.

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Thomas D'angelo
Notary

Sworn to and subscribed before me on, November 12, 1986.